

1
2
3
4
5
6
7
8
9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 JOHN EDWARD ROACH,

13 Petitioner,

14 v.

15 STATE OF WASHINGTON,

16 Respondent.
17

No. 09-5155FDB/JRC

ORDER DENYING PETITIONER'S
MOTION AND DIRECTING
PETITIONER TO AMEND THE
PETITION

18
19 The petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C.
20 § 2254. This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
21 §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrate Judges' Rules MJR 3 and MJR 4.
22 Petitioner has served the incarceration portion of his sentence, but is on parole. Petitioner has
23 asked the court to charge the state prosecutor in his criminal case with perjury. The motion is
24 DENIED.

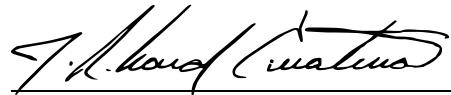
25 Habeas Corpus proceedings are civil in nature, not criminal. If Petitioner believes a
26 crime has been committed he may contact the appropriate law enforcement agency.

1 The court has again reviewed the file in this case. Petitioner has still not named a proper
2 respondent. The proper respondent in this case is either Petitioner's parole officer, or Eldon
3 Vail, Secretary of the Department of Corrections.

4 Petitioner will have until August 21, 2009, to submit an amended petition, if he continues
5 to believe that it is necessary, naming a proper respondent and outlining his claim in detail. The
6 amended petition will act as a complete substitute for the original. Failure to submit an amended
7 petition will result in a Report and Recommendation that this case be dismissed.

8
9 The clerk is directed to send a copy of this order to petitioner and note the August 21,
10 2009 deadline on the court's calendar.

11 DATED this 15th day of July, 2009.

12
13
14 

15 J. Richard Creatura
16 United States Magistrate Judge
17
18
19
20
21
22
23
24
25
26